

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

| | | |
|----------------------------|---|--------------------|
| CITIMORTGAGE, INC., |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| vs. |) | No. 4:09CV1386-DJS |
| |) | |
| MILLENNIUM MORTGAGE CORP., |) | |
| d/b/a MILLENNIUM MORTGAGE |) | |
| CAPITAL CO., |) | |
| |) | |
| Defendant. |) | |

ORDER

Now before the Court are plaintiff CitiMortgage, Inc.'s motion for leave to file the supplemental affidavit of John Gray [Doc. #21] and plaintiff's motion to vacate order and judgment [Doc. #24]. Based on plaintiff's newly submitted evidence regarding the mitigation of some damages and the accumulation of other damages, namely the supplemental affidavit of John Gray [Doc. #24-3], the Court will grant plaintiff's motion to vacate the Court's February 3, 2010, order and judgment. The Court will this day enter a new order and judgment.

IT IS HEREBY ORDERED that plaintiff's motion for leave to file the supplemental affidavit of John Gray [Doc. #21] is granted, and the Clerk shall detach and separately file Doc. #24-3 as the supplemental affidavit of John Gray.

IT IS FURTHER ORDERED that plaintiff's motion to vacate order and judgment [Doc. #24] is granted as follows.

IT IS FURTHER ORDERED that the Court's order and judgment entered February 3, 2010 [Docs. #22, 23] are hereby vacated.

Dated this 4th day of February, 2010.

/s/Donald J. Stohr
UNITED STATES DISTRICT JUDGE